

REMARKS

Status of claims

Claims 1-55 are pending in the application. The non-final Office action mailed on September 26, 2006 (the “first Office action”), rejected claims 1-3, 5-22, 24-45 and 47-55 under either 35 U.S.C. 102(e) or 35 U.S.C. 103(a) in light of Mansouri et al. (US 2003/0062262 A1) (“Mansouri” or “the Mansouri publication”). The first Office action also rejected claims 4, 23, and 46 under 35 U.S.C. 103(a) as being allegedly unpatentable over Mansouri in view of Nakanishi et al. (US 4,245,050) (“Nakanishi”). Finally, the first Office action objected to claim 44 because there are two claims labeled “44” in the original claim set.

In response to the first Office action, Applicants filed an Amendment and Response on January 25, 2007, and submitted a Declaration under 37 C.F.R. §1.131 signed by Sohrab Mansouri, an inventor of the present application, to establish invention of the subject matter of claims 1-55 prior to August 22, 2001, the effective filing date of the Mansouri publication. Also submitted was a redacted Invention Disclosure signed by each of the inventors of the present application in support of this prior invention date.

The final Office action mailed on April 10, 2007, maintains all the outstanding rejections. Specifically, the final Office action states that the Declaration signed by Sohrab Mansouri alone is ineffective to overcome the Mansouri publication. The final Office action indicates that declarations signed by all three inventors (namely, Jungwon Shin and Dennis Conlon in addition to Sohrab Mansouri) are required.

In light of the foregoing, Applicants hereby enclose (i) a Declaration under 37 C.F.R. §1.131 signed by Jungwon Shin, (ii) a Declaration under 37 C.F.R. §1.131 signed by Dennis Conlon, and re-submit (iii) a Declaration under 37 C.F.R. §1.131 signed by Sohrab Mansouri, to establish invention of the subject matter of claims 1-55 prior to August 22, 2001, the effective filing date of the Mansouri publication. Also re-submitted and attached as Exhibit A to the Declarations is a redacted Invention Disclosure signed by each of the inventors of the present application in support of this prior invention date.

Response to outstanding rejections

Applicants respectfully submit that the enclosed submissions effectively disqualify the Mansouri publication as prior art under 35 U.S.C. 102(e). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) based on the Mansouri publication.

In addition, because Nakanishi discloses only variants of choline and is not related to the underlying claimed subject matter of the pending claims, Applicants submit that the rejections under 35 U.S.C. 103(a) based on the combined teachings of the Mansouri publication and Nakanishi cannot stand given the disqualification of the Mansouri publication as prior art.

Further, the two claims previously labeled "44" in the original claim set have been renumbered as claims 44 and 45, respectfully. Applicants submit that the rejection under 35 U.S.C. § 112, second paragraph, has been rendered moot.

In light of the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of all the outstanding rejections.

CONCLUSION

Applicants submit that based on the above remarks, claims 1-55 are in condition for allowance and respectfully request that a Notice of Allowance timely be issued for this application. The Examiner is respectfully urged to contact the undersigned attorney with any questions regarding this paper or to schedule an interview to discuss any aspect of this application.

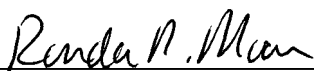
Respectfully submitted,

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